Pilar C. French, OSB No. 962880 frenchp@lanepowell.com LANE POWELL PC 601 SW Second Avenue, Suite 2100 Portland, Oregon 97204-3158 Telephone: 503.778.2100 Facsimile: 503.778.2200

Attorneys for Defendants

UNITED STATES DISTRICT COURT DISTRICT OF OREGON MEDFORD DIVISION

REBECCA FISHER and TRAVIS FISHER,

Case No. 11-CV-3093-CL

Plaintiffs,

V.

Defendants'
MOTION TO DISMISS

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") a Delaware Corporation;

Pursuant to Fed. R. Civ. P. 12(b)(1)

RECONTRUST COMPANY, N.A.

("ReconTrust") a wholly owned subsidiary of Bank of America Corporation ("BAC") a Delaware Corporation, (REQUEST FOR ORAL ARGUMENT)

Defendants.

LR 7-1(a) CERTIFICATION

Counsel for defendants Mortgage Electronic Registration Systems, Inc. ("MERS") and ReconTrust Company, N.A. ("ReconTrust") (collectively, "defendants") conferred with plaintiffs by telephone conference and were not able to resolve the issues. Plaintiffs oppose this motion.

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MOTION

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants, by and through their counsel of record, Pilar C. French of Lane Powell PC, respectfully move this Court to dismiss Plaintiffs' claims against them for lack of subject matter jurisdiction.

In support of this motion, Defendants reply upon the Memorandum in Support of their Motion to Dismiss filed herewith.

DATED: October 3, 2011

LANE POWELL PC

By /s/ Pilar C. French
Pilar C. French, OSB No. 962880
Telephone: 503.778.2170
Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2011, I caused to be served a copy of the foregoing MOTION TO DISMISS on the following person(s) in the manner indicated below at the following address(es):

Rebecca and Travis Fisher 220 Newt Gulch Road Wilderville, OR 97543 Telephone: 541.660.4623 E-Mail: fisherwild@aol.com *Pro se plaintiffs*

| | by CM/ECF |
|---|---------------------------|
| × | by Electronic Mail |
| | by Facsimile Transmission |
| × | by First Class Mail |
| | by Hand Delivery |
| | by Overnight Delivery |

/s/ Pilar C. French

Pilar C. French

CERTIFICATE OF SERVICE